

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

RADNET MANAGEMENT, INC. D/B/A
SAN FERNANDO VALLEY INTERVENTIONAL
RADIOLOGY AND IMAGING CENTER
Employer/Petitioner

and

Case 31-RM-209388

NATIONAL UNION OF HEALTHCARE WORKERS
Union

ORDER

The Employer's Request for Review of the Regional Director's January 12, 2018 Partial Decision on Objections and March 14, 2018 Decision and Certification of Representative is denied as it raises no substantial issues warranting review.¹

¹ In declining to reach the Employer's argument that some of the classifications included in the petitioned-for unit are guards, we find that, in addition to the reasons cited by the Regional Director, the Employer failed to raise this argument until after the election had occurred. The Employer therefore runs afoul of the Board's longstanding rule against postelection challenges. See, e.g., *Poplar Living Center*, 300 NLRB 888, 888 fn. 2 (1990); *Prior Aviation Service, Inc.*, 220 NLRB 460, 461 (1975); *NLRB v. A.J. Tower Co.*, 329 U.S. 324, 329 (1946). Member Kaplan relies solely on the Employer's failure to present sufficient evidence to demonstrate guard status in its offers of proof.

We agree with the Regional Director, for the reasons stated in her decision, that the Union's failure to disclose an alleged affiliation with another union is not a misrepresentation that warrants setting aside the election. We further note that, to the extent the Union's name appeared on the ballot without mentioning any affiliation, the Employer stipulated to the name of the Union as it would appear on the ballot in the Stipulated Election Agreement between the parties. Election agreements are binding on the parties, and absent special circumstances, the Board enforces them if their terms are clear, unambiguous, and do not contravene express statutory exclusions or established Board policy. *T & L Leasing*, 318 NLRB 324, 325 (1995). Nor does an error in the designation of affiliation necessarily invalidate an election. *Woods Quality Cabinetry Co.*, 340 NLRB 1355, 1356 (2003).

We observe that Regional Directors in representation cases have the discretion to close the record and refuse enforcement of subpoenas where, as here, the subpoenas constitute a mere "fishing expedition." See, e.g., *SR-73 and Lakeside Avenue Operations LLC d/b/a Powerback Rehabilitation*, 113 South Route 73, 365 NLRB No. 119, slip op. at 2 fn. 2 (2017).

With respect to Objection 8, Chairman Ring and Member Kaplan express no view with respect to whether they agree or disagree with revisions made by the Board's

JOHN F. RING,	CHAIRMAN
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MARK GASTON PEARCE,	MEMBER
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MARVIN E. KAPLAN,	MEMBER
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Dated, Washington, D.C., July 25, 2018.

Election Rule, but they agree that it applies here and warrants denial of the Employer's request for review.